EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ePLUS, INC.,	)	
	)	
	)	Civil Action No. 3:09-cv-620
Plaintiff,	)	
	)	
v.	)	
	)	
LAWSON SOFTWARE, INC.	)	
	)	
	)	
Defendant.	)	

**DEFENDANT LAWSON SOFTWARE, INC.'S
SECOND SUPPLEMENTAL INITIAL STATEMENT OF INVALIDITY DEFENSES**

Defendant Lawson Software, Inc. ("Lawson"), by counsel and in accordance with Section V(J)(3) of Pretrial Schedule A to the Court's Scheduling Order (Dkt. 121-2) and the Court's Order of March 30, 2010, hereby submits its initial statement of invalidity defenses. Lawson contends that all claims of the patents-in-suit asserted by Plaintiff ePlus, Inc. ("ePlus") are invalid under 35 U.S.C. § 102 and § 103 based on the prior art as set forth in detail below. Lawson also contends that the asserted claims are invalid under 35 U.S.C. § 101 as directed to non-statutory subject matter, under 35 U.S.C. § 112 ¶ 1 as non-enabled and as failing the written description requirement, and under 35 U.S.C. §112 ¶ 2 as indefinite, all as set forth in detail below.

I.   **Invalidity under 35 U.S.C. §102 and § 103 Based on the Prior Art References**

Lawson is asserting the following prior art references anticipate the asserted claims:

1.   The Fisher Scientific Requisition and Inventory Management System ("the Fisher RIMS system");

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- Lawson intends to rely on witness testimony and the following documentary evidence to prove that the P.O. Writer Plus V.10 is prior art that anticipated the asserted claims: The P.O. Writer Plus Version 10 manual is labeled with Bates numbers L0126155–L0127601;

- Lawson is asserting the P.O. Writer Plus V.10 qualifies as prior art under 35 U.S.C. § 102(b) as in public use and on sale in this country more than one year prior to the date of the application for patent in the United States;

- Additionally, the IBM P.O. Writer Plus Version 10 manual qualifies as prior art under 35 U.S.C. §102(b) as a printed publication more than more than one year prior to the date of the application for patent in the United States;

5.   The SABRE system as describe in "A Practical Guide to SABRE Reservation and Ticketing" ("SABRE Practical Guide");

- The SABRE Practical Guide is labeled with Bates numbers L0125223–L0125713;

- Lawson is asserting this reference under 35 U.S.C. § 102(a) as being described in a printed publication in this country before the invention thereof by the applicant, and under 35 U.S.C. § 102(b) as described in a printed publication in this country more than one year prior to the date of the application for patent in the United States;

6.   The J-CON system as described in the "J-CON Manual";

- Lawson intends to rely on witness testimony and the following documentary evidence to prove that the J-CON system is prior art that anticipated the asserted claims: The J-CON Manual is labeled with Bates numbers L0123414–L0124584;

- Lawson is asserting J-CON system qualifies as prior art under under 35 U.S.C. § 102(b) as in public use and on sale in this country more than one year prior to the date of the application for patent in the United States;

- Additionally, the J-CON Manual qualifies as prior art under 35 U.S.C. §102(a) as a printed publication more than more than one year prior to the date of the application for patent in the United States;

7.   The Gateway 2000/MRO Version as described in "Gateway 2000/MRO Version, May 1991" ("the Gateway 2000/MRO Manual");

- Lawson intends to rely on witness testimony and the following documentary evidence to prove that the Gateway 2000/MRO Version is prior art that anticipated the asserted claims: The Gateway 2000/MRO Manual is labeled with Bates numbers L0127603–L0127886;

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- Lawson is asserting Gateway 2000/MRO Version qualifies as prior art under 35 U.S.C. § 102(b) as in public use and on sale more than one year prior to the date of the application for patent in the United States;

- Additionally, the Gateway 2000/MRO Manual qualifies as prior art under 35 U.S.C. §§102(a) and (b) as a printed publication before the invention date and more than more than one year prior to the date of the application for patent in the United States;

Lawson is also asserting the following combination prior art references render obvious the

asserted claims:

8. The Fisher RIMS system in combination with the IBM Technical Viewer/2 system ("IBM TV/2 system") and/or the IBM Technical Viewer/2, General Information Manual:

- In addition to the foregoing, Lawson intends to rely on witness testimony and the following documentary evidence to prove that the TV/2 system is prior art that, in combination with the Fisher RIMS system, renders obvious the asserted claims:

  o 5799-IBM Technical Viewer/2 are labeled with Bates number ePLUS0210933-ePLUS0210938;

  o the IBM Technical Viewer/2, General Information Manual is labeled with Bates numbers L0132122–L0132130;

  o the IBM Technical Viewer/2 brochure is labeled with Bates numbers L0132131–L0132134;

- The IBM TV/2 system qualifies as prior art qualifies as prior art under 35 U.S.C. 102(b) as on sale and in public use more than more than one year prior to the date of the application for patent in the United States., and as ePlus admitted prior art;

- Additionally, the IBM Technical Viewer/2, General Information Manual qualifies as prior art under 35 U.S.C. §102(b) as a printed publication more than more than one year prior to the date of the application for patent in the United States., and as ePlus admitted prior art;

- Lawson is asserting this combination of prior art under 35 U.S.C. § 103;

9. The Fisher RIMS system in combination with U.S. Patent No. 4,992,940 ("the '940 patent" or "the Dworkin patent");

- The '940 patent is labeled with Bates numbers L0132122–L0132130 and L0260625-640;

- The '940 patent is prior art under 35 U.S.C. §102(a) as a printed publication or patent before the invention thereof by the applicant, under §102(b) as patented or described in a printed publication more than one year before the date of application for patent in the United States;

- Lawson is asserting this combination of references under 35 U.S.C. § 103;

10. The J-CON system as described in the "J-CON Manual" in combination with the '940 patent;

- Lawson is asserting this combination of references under 35 U.S.C. § 103;

11. The J-CON system as described in the "J-CON Manual" in combination with P.O. Writer Plus V.10 as described in the P.O. Writer Plus Version 10 manual;

- Lawson is asserting this combination of references under 35 U.S.C. § 103;

The following sections specifically describe how these references and combination of references invalidate the asserted claims of U.S. Patent Nos. 6,023, 683 ("the '683 patent), 6,055,516 ("the '516 patent"), and 6,505,172 ("the '172 patent) (collectively, "the patents-in-suit") under 35 U.S.C. § 102 and/or § 103.

A.   The Fisher RIMS System and U.S. Patent No. 5,712,989

Lawson is asserting that the Fisher RIMS system as described in the '989 patent, the RIMS trademark application, and the RIMS brochure anticipates claims 3, 6, 26, 28, and 29 of the '683 patent, claims 1, 2, 6, 9, 21, 22, and 29 of the '516 patent, and claims, and claim 1 of '172 patent under 35 U.S.C. § 102(a) because it was known in this country before the invention thereof by the applicant for patent, under 35 U.S.C. §102(b) and was on sale and in public use in this country more than one year before the filing dates of the patents in suit. Additionally the '989 patent qualifies as prior art under 35 U.S.C. § 102(e) as being described in a patent granted on an application for patent by another in the United States before the invention by applicant for patent, and as ePlus admitted prior art.

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(ePLUS0201433).) The J-CON manual bears a date of April 1994, approximately six months before the filing date of the application for the '683 patent. (L0123414.) There is no evidence that the alleged invention of the patents-in-suit predates April 1994.

The J-CON systems described in the J-CON manual existed in 1992. (SAP Trial Tr. at 1812:1-24 (ePLUS0201429).) By 1993, several thousand auto stores had purchased and were using the J-CON system described in the J-CON manual. (SAP Trial Tr. at 1835:9-19.) Thus, the J-CON system described in the J-CON manual was publicly used and sold more than one year before the filing date of the application of the '683 patent.

The following claim chart shows on an element-by-element, claim-by-claim basis how and where the J-CON system as described in the J-CON manual discloses the elements of the asserted claims.

U.S. Patent No. 6,023,683	
Claims	The J-CON system as described in the "J-CON Manual"
6. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
a database containing data relating to items associated with at least two sources;	The J-CON system includes a database of items from both primary and alternative manufacturers. (L0123613).
means for searching for matching items in the database;	The J-CON system discloses "means for searching for matching items in the database," under ePlus's proposed construction of that phrase. The system enables a user to enter a partial manufacturer or part number. (L0123472.) The system searches for all part that match the partial information. (L0123473.) If more than one matching part is found, the system displays all the matching parts. (L0123473.)
means for building a requisition using data relating to selected matching items and their associated source(s);	The J-CON system discloses a "means for building a requisition using data relating to selected matching items and their associated source(s)." under ePlus's proposed construction of that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may

means for generating an order list that includes at least one matching item selected by said means for searching;	As discussed above with respect to anticipation, the Fisher RIMS system discloses this element. U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).
means for building a requisition that uses data obtained from said database relating to selected matching items on said order list;	As discussed above with respect to anticipation, the Fisher RIMS system discloses this element. U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).
means for processing said requisition to generate purchase orders for said selected matching items.	As discussed above with respect to anticipation, the Fisher RIMS system discloses this element.

I.   The J-CON System as Described in the "J-CON Manual" in combination with U.S. Patent No. 4,992,940

The J-CON system as Described in the "J-CON Manual" in combination with the '940 patent invalidates claims 3, 6, 26, 28, and 29 of the '683 patent, claims 1, 9, 21, 22, and 29 of the '516 patent, and claims, and claim 1 of '172 patent under 35 U.S.C. § 103. For the reasons stated above, the J-CON System as described in the "J-CON Manual" and the '940 patent qualify as prior art.

The same reason for making the previous combination exists for combining the J-CON system as described in the "J-CON Manual" with the '940 patent. The '940 patent provides the multi-vendor capability demanded by the industry at and before the time of the invention.

The following claim chart shows on an element-by-element, claim-by-claim basis how and where the combination of the J-CON System as described in the "J-CON Manual" and the '940 patent discloses the elements of the asserted claims.

U.S. Patent No. 6,023,683

Claims	The J-CON System as Described in the "J-CON Manual" in Combination with the '940 Patent
3. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
at least two product catalogs containing data relating to items associated with the respective sources;	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
means for selecting the product catalogs to search;	U.S. Patent No. 4,992,940 discloses that the database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637).
means for searching for matching items among the selected product catalogs [a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm with includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to item(s) to be searched; (2) communicating the search criteria to search engine module; (3) querying certain fields of the item data to locate item records in the selected product catalog matching the search criteria; and (4) outputting items matching the search criteria; and structural equivalents thereof.];	The J-CON system discloses "means for searching for matching items in the database," under ePlus's proposed construction of that phrase. The system enables a user to enter a partial manufacturer or part number. (L0123472.) The system searches for all part that match the partial information. (L0123473.) If more than one matching part is found, the system displays all the matching parts. (L0123473.)

U.S. Patent No. 4,992,940 discloses that the system searches for products based on the selection of the product type. Col. 5:10-15 (L0260637). |
| means for building a requisition using data relating to selected | The J-CON system discloses a "means for building a requisition using data relating to selected matching items and their associated source(s)." under ePlus's proposed construction of |

matching items and their associated source(s) [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) selecting one or more items from hit lists of catalog items matching search criteria that were returned from searching selected product catalogs; (2) transferring the selected matching item data to a requisition module; and (3) building a requisition using data from the selected matching items to populate certain fields on the requisition from; and structural equivalents thereof.];	that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606). U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).
means for processing the requisition to generate one or more purchase orders for the selected matching items [a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and (2) generating one or more purchase orders based on the data included in the requisition relating to the matching items selected from the items returned from searching selected	The J-CON system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's proposed construction of that phrase. When building a ticket, items are identified as requiring a special order. (L0123608.) The system allows the user to accept (release) and ticket. (L0123495.) The system could be configured to process purchase orders automatically or manually. (L0123693-95.) The item could be ordered from a primary, secondary, or occasional vendors. (L0123693.)

product catalogs and based on predetermined rules relating to user's preferences (*e.g.*, one purchase order to each distinct supplier referenced in the requisition); and structural equivalents thereof.]; and	
means for converting data related to a selected matching item and an associated source to data relating to an item and a different source [a computer which is programmed with special purpose software modules to execute an algorithm which includes the steps of: (1) maintaining a cross-reference table or file identifying cross-referenced items, identical items or generally equivalent items and one or more codes corresponding to cross-referenced items, identical items or generally equivalent items; (2) for a selected matching item, accessing the cross-reference table or file to identify an identical item or generally equivalent item cross-references to the selected matching item and associated with a different source; and (3) replacing the selected matching item and its associated source with the identical item of generally equivalent item and its different source in a	The J-CON system discloses " means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source," under ePlus's proposed construction of that phrase. The J-CON system tracks "competitive parts" that match a selected item. (L0123625-25). The system will displays all possible matching competitive parts. (L0123625). The competitive part may be selected be entering a quantity. (L0123627). A part may also be deleted from selection, and another part selected. (L0123627).

requisition; and structural equivalents thereof.].	
6. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
a database containing data relating to items associated with at least two sources;	The J-CON system includes a database of items from both primary and alternative manufacturers. (L0123613). & col. 4:21-26, Table VI (ePLUS0137679 & ePLUS0137692). U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
means for searching for matching items in the database [a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm with includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to item(s) to be searched; (2) communicating the search criteria to search engine module; (3) querying certain fields of the item data to locate item records in the selected product catalog matching the search criteria; and (4) outputting items matching the search criteria; and structural equivalents thereof.];	The J-CON system discloses "means for searching for matching items in the database," under ePlus's proposed construction of that phrase. The system enables a user to enter a partial manufacturer or part number. (L0123472.) The system searches for all part that match the partial information. (L0123473.) If more than one matching part is found, the system displays all the matching parts. (L0123473.) U.S. Patent No. 4,992,940 discloses that the system searches for products. Col. 6:11-15 (L0260637).
means for building a requisition using data relating to selected matching items and their	The J-CON system discloses a "means for building a requisition using data relating to selected matching items and their associated source(s)." under ePlus's proposed construction of that phrase. The system displays parts matching a search

associated source(s) [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) selecting one or more items from hit lists of catalog items matching search criteria that were returned from searching selected product catalogs; (2) transferring the selected matching item data to a requisition module; and (3) building a requisition using data from the selected matching items to populate certain fields on the requisition from; and structural equivalents thereof.];	criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606). U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).
means for processing the requisition to generate one or more purchase orders for the selected matching items [a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and (2) generating one or more purchase orders based on the data included in the requisition relating to the matching items selected from the items returned from searching selected product catalogs and based	The J-CON system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's proposed construction of that phrase. When building a ticket, items are identified as requiring a special order. (L0123608.) The system allows the user to accept (release) and ticket. (L0123495.) The system could be configured to process purchase orders automatically or manually. (L0123693-95.) The item could be ordered from a primary, secondary, or occasional vendors. (L0123693.)

on predetermined rules relating to user's preferences (*e.g.*, one purchase order to each distinct supplier referenced in the requisition); and structural equivalents thereof.]; and	
means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source [a computer which is programmed with special purpose software modules to execute an algorithm which includes the steps of: (1) maintaining a cross-reference table or file identifying cross-referenced items, identical items or generally equivalent items and one or more codes corresponding to cross-referenced items, identical items or generally equivalent items; (2) for a selected matching item, accessing the cross-reference table or file to identify an identical item or generally equivalent item cross-references to the selected matching item and associated with a different source; and (3) replacing the selected matching item and its associated source with the identical item of generally equivalent item and its different source in a	The J-CON system discloses " means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source," under ePlus's proposed construction of that phrase. The J-CON system tracks "competitive parts" that match a selected item. (L0123625-25). The system will displays all possible matching competitive parts. (L0123625). The competitive part may be selected be entering a quantity. (L0123627). A part may also be deleted from selection, and another part selected. (L0123627).

requisition; and structural equivalents thereof.].	
26. A method comprising the steps of:	
maintaining at least two products catalogs on a database containing data relating to items associated with the respective sources;	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
selecting the product catalogs to search;	U.S. Patent No. 4,992,940 discloses that the database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637).
searching for matching items among the selected product catalogs;	The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472). U.S. Patent No. 4,992,940 discloses that the system searches for products based on the selection of the product type. Col. 5:10-15 (L0260637).
building a requisition using data relating to selected matching items and their associated sources;	The J-CON system enabled a user to select items to add to a requisition (ticket). (L0123606). U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).
processing the requisition to generate one or more purchase orders for the selected matching items; and	The J-CON system could be configured to process purchase orders manually or automatically. (L0123693-99).
determining whether a selected matching item is available in inventory.	The J-CON system enabled a user to determine whether and how many of a particular item was available in stock. (L0123608 & L0123612).
28. A method comprising the steps of:	
maintaining at least two product catalogs on a	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell

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database containing data relating to items associated with the respective sources;	them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
selecting the product catalogs to search;	U.S. Patent No. 4,992,940 discloses that the database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637).
searching for matching items among the selected product catalogs;	The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472). U.S. Patent No. 4,992,940 discloses that the system searches for products based on the selection of the product type. Col. 5:10-15 (L0260637).
building a requisition using data relating to selected matching items and their associated source(s);	The J-CON system enabled a user to select items to add to a requisition (ticket). (L0123606). U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).
processing the requisition to generate one or more purchase orders for the selected matching items; and	The J-CON system could be configured to process purchase orders manually or automatically. (L0123693-99).
converting data relating to a selected matching item and an associated source to data relating to an item and a different source.	The J-CON system located interchangeable part from different catalogs are associated with a "competitive part number" in the cross-referencing module InterChange. (L0123625).
29. The method of claim 28 further comprising the step of determining whether a selected matching item is available in inventory.	The J-CON system enabled a user to determine whether and how many of a particular item was available in stock. (L0123608 & L0123612).

U.S. Patent No. 6,055,516	
Claims	The J-CON System as Described in the "J-CON Manual" in Combination with

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	The '940 Patent
1. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
a collection of catalogs of items stored in an electronic format;	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
a first set of pre-determined criteria associated with said collection of catalogs;	U.S. Patent No. 4,992,940 discloses that the database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637).
a second set of pre-determined criteria associated with items from each of said catalogs;	The J-CON system included mechanisms and screen displays for entering product information that was descriptive of items in the parts database. (L0123613). U.S. Patent No. 4,992,940 discloses that the system searches for products based on information entered by the user. Col. 6:10-15 (L0260637).
a catalog selection protocol, said catalog selection protocol relying on said first set of pre-determined criteria to select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party that is one of a manufacturer and a competing vendor, said predetermined third party selling items corresponding to items in said vendor	U.S. Patent No. 4,992,940 discloses that the database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637). The selected products are associated with multiple vendors. Col. 5:25-27 (L0260637).

catalog; and	
a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol.	The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472). U.S. Patent No. 4,992,940 discloses that the system searches for products based on the selection of the product type. Col. 5:10-15 (L0260637).
9. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
a collection of catalogs of items stored in an electronic format;	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
a first identification code associated with a first item in a first catalog;	U.S. Patent No. 4,992,940 discloses that the system searches for products based on information entered by the user. Col. 6:10-15 (L0260637).
a second identification code associated with a second item in a second catalog, said first item and said second item being generally equivalent, and wherein a selection of one identification code from one of said first and second catalogs provides the other identification code from the other of said catalogs.	U.S. Patent No. 4,992,940 discloses that the system searches for products based on information entered by the user. Col. 6:10-15 (L0260637). The system provides information about resulting products from multiple vendors. Col. 6:26-37 (L0260637).
21. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
a requisition module including data fields, user-generated criteria entered into at least one of said data fields to generate at least partial criteria corresponding to a desired item;	The J-CON system included mechanisms and screen displays for entering product information that was descriptive of items in the parts database. (L0123613). U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).

a catalog collection searching module, said searching module including a collection of catalogs of items stored in an electronic format, a catalog selection criteria used to select less than said entire collection, said searching module being used to generate additional search-module criteria for said data fields of said requisition module;	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635). The database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637).
a multiple purchase order generation module, said purchase order generation module creating multiple purchase orders from a single requisition created with said user-generated criteria and said search-module criteria;	The J-CON system generated multiple purchase orders from a single requisition in a number of different ways. (L0123617).
wherein each of at least two catalogs include a generally equivalent item from a different source, said requisition module working in combination with said catalog searching module to determine multiple sources for said item;	U.S. Patent No. 4,992,940 discloses that the system searches for products based on information entered by the user. Col. 6:10-15 (L0260637). The system provides information about resulting products from multiple vendors. Col. 6:26-37 (L0260637)
wherein said multiple sources is limited by said catalog searching module providing a match according to said user-generated criteria, said search-module criteria and a determination system that located items are generally equivalent; and	U.S. Patent No. 4,992,940 discloses that the system searches for products based on information entered by the user. Col. 6:10-15 (L0260637). The system provides information about resulting products from multiple vendors. Col. 6:26-37 (L0260637)
wherein said determination	The J-CON system used a cross-reference module to determine

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system includes a cross reference table matching an identification code from a first located item with a second identification code from a second located item.	if items are generally equivalent. (L0123450 & L0123601).
22. An electronic sourcing system as recited in claim 21, wherein said determination system includes an identical identification code for each of said located items.	The J-CON system located interchangeable part from different catalogs are associated with a "competitive part number" in the cross-referencing module InterChange. (L0123625). The J-CON system renders claim 22 obvious when combined with the Fisher RIMS system or the TV/2 system. U.S. Patent No. 4,992,940 discloses that the system searches for products based on information entered by the user. Col. 6:10-15 (L0260637). The system provides information about resulting products from multiple vendors. Col. 6:26-37 (L0260637).
29. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
a collection of catalogs of items stored in an electronic format;	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
a first set of pre-determined criteria associated with said collection of catalogs;	U.S. Patent No. 4,992,940 discloses that the database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637).
a second set of predetermined criteria associated with items from each of said catalogs;	The J-CON system included mechanisms and screen displays for entering product information that was descriptive of items in the parts database. (L0123613). U.S. Patent No. 4,992,940 discloses that the system searches for products based on information entered by the user. Col. 6:10-15 (L0260637).
a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and	U.S. Patent No. 4,992,940 discloses that the database includes at least two type of products: good or services. By selecting one, the system would limit its search to information about the selected product. Col. 5:10-15 (L0260637). The selected products are associated with multiple vendors. Col. 5:25-27 (L0260637).

including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party;	
a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol; and	The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472). U.S. Patent No. 4,992,940 discloses that the system searches for products based on the selection of the product type. Col. 5:10-15 (L0260637).
a cross-reference table linking a vendor item catalog number from said vendor catalog with an item catalog number from said predetermined third party.	The J-CON system included a cross-reference module. (L0123450 & L0123601).

U.S. Patent No. 6,505,172	
Claims	The J-CON System as Described in the "J-CON Manual" in Combination with the '940 Patent
1. An electronic sourcing system comprising:	The J-CON system is an electronic sourcing system. (L0123423).
a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately;	U.S. Patent No. 4,992,940 discloses a database containing information about product and services and the vendors who sell them. The information is the equivalent to thousands of catalogs of individual suppliers. Col. 1:65-67 (L0260635).
means for entering product	The J-CON system included mechanisms and screen displays for

information that at least partially describes at least one desired item [ePlus: a computer which is programmed with special-purpose software modules to execute an algorithm which includes the step pf receiving certain information, (*e.g.*, catalog number, part number, partial text, etc.) to at least partially describe at least on desired item; and structural equivalents there of];	entering product information that was descriptive of items in the parts database. (L0123613). U.S. Patent No. 4,992,940 discloses that a user can enter specifications for a product. Col. 6;11-15 (L0260637).
means for searching for matching items that match the entered product information in the selected portions of the database [a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm with includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to item(s) to be searched; (2) communicating the search criteria to search engine module; (3) querying certain fields of the item data to locate item records in the selected product catalog matching the search criteria; and (4) outputting items matching the search criteria; and structural equivalents thereof.];	The J-CON system discloses " means for searching for matching items that match the entered product information in the selected portions of the database," under ePlus's proposed construction of that phrase. The system enables a user to enter a partial manufacturer or part number. (L0123472.) The system searches for all part that match the partial information. (L0123473.) If more than one matching part is found, the system displays all the matching parts. (L0123473.) U.S. Patent No. 4,992,940 discloses that the system searches for products based on the selection of the product type. Col. 5:10-15 (L0260637).
means for generating an	The J-CON system discloses a "means for generating an order

order list that includes at least one matching item selected by said means for searching [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) displaying a hit list of results of a search corresponding to items matching the entered product information; (2) selecting one or more items form the hit list for inclusion in an order list; and (3) generating an order list containing data related to the selected matching items; and structural equivalents thereof."];	list that includes at least one matching item selected by said means for searching," under ePlus's proposed construction of that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606). U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).
means for building a requisition that uses data obtained from said database relating to selected matching items on said order list [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) transferring data relating to selected matching itemds included on an order list to a requisition programs; and (2) building a requisition using data from the selected matching items on the order list to populate certain fields on the	The J-CON system discloses a " means for building a requisition that uses data obtained from said database relating to selected matching items on said order list," under ePlus's proposed construction of that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606). U.S. Patent No. 4,992,940 discloses that a user can select one or more products or services for immediate purchase. Abstract (L0260625).

requisition form; and structural equivalents thereof.];	
means for processing said requisition to generate purchase orders for said selected matching items [a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and (2) generating one or more purchase orders based on the data included in the requisition relating to the matching items selected from the items returned from searching selected product catalogs and based on predetermined rules relating to user's preferences (*e.g.*, one purchase order to each distinct supplier referenced in the requisition); and structural equivalents thereof.].	The J-CON system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's proposed construction of that phrase. When building a ticket, items are identified as requiring a special order. (L0123608.) The system allows the user to accept (release) and ticket. (L0123495.) The system could be configured to process purchase orders automatically or manually. (L0123693-95.) The item could be ordered from a primary, secondary, or occasional vendors. (L0123693.)

J.   The J-CON System as Described in the "J-CON Manual" in Combination with P.O. Writer Plus V.10 as Described in the P.O. Writer Plus Version 10 Manual

The J-CON system as described in the "J-CON Manual" in combination with P.O. Writer Plus V.10 as described in the P.O. Writer Plus manual invalidates claims 3, 6, 26, 28, and 29 of the '683 patent, claims 1, 9, 21, 22, and 29 of the '516 patent, and claims, and claim 1 of '172 patent under 35 U.S.C. § 103. For the reasons stated above, The J-CON system as described in

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the "J-CON Manual" in combination with P.O. Writer Plus V.10 as described in the P.O. Writer Plus manual qualify as prior art.

The same reason for making the previous two combinations exists for combining the J-CON system as described in the "J-CON Manual" with P.O. Writer Plus V.10 as described in the P.O. Writer Plus manual. The P.O. Writer Plus V.10 as described in the P.O. Writer Plus manual provides the multi-vendor capability demanded by the industry at and before the time of the invention.

The following claim chart shows on an element-by-element, claim-by-claim basis how and where the combination of the J-CON system as described in the "J-CON Manual" and P.O. Writer Plus V.10 as described in the P.O. Writer Plus manual discloses the elements of the asserted claims.

U.S. Patent No. 6,023,683	
Claims	The J-CON System as Described in the "J-CON Manual" in Combination with P.O. Writer Plus V.10 as Described in the P.O. Writer Plus Version 10 Manual
3. An electronic sourcing system comprising:	The P.O. Writer system is an electronic sourcing system. (L0126506). The J-CON system is an electronic sourcing system. (L0123423).
at least two product catalogs containing data relating to items associated with the respective sources;	The P.O. Writer system had an electronic database for storing multiple catalogs. (L0127571, L0126552 & L0126661-62).
means for selecting the product catalogs to search [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) receiving inputted	The P.O. Writer system discloses "means for selecting the product catalogs to search," under ePlus's proposed construction of that phrase. The P.O. Writer system displays a list of CATALOGUE ID'S. (L0126944). The customer then selects a catalogue by scrolling through the list and pressing SHIFT-F3. (L0126944). The selected catalog can then be searched for items beginning with a specified latter using the ITEM DESCRIPTION SEQUENCE – STARTING WITH. (L0126945.) The system will then display all the items in the

information relating to a user's selection of product catalogs to search from among the at least two product catalogs available; and (2) communicating the input selection to a search engine module; or (1) selecting catalogs to be search from among the at least to product catalogs available based on preference or history; and (2) communicating the catalog selection to a search engine program; and structural equivalents thereof.];	selected catalog that start with the specified letters. (L0126946.)
means for searching for matching items among the selected product catalogs [a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm with includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to item(s) to be searched; (2) communicating the search criteria to search engine module; (3) querying certain fields of the item data to locate item records in the selected product catalog matching the search criteria; and (4) outputting items matching the search criteria; and structural equivalents	The P.O. Writer system discloses "means for searching for matching items among the selected product catalogs," under ePlus's proposed construction of that phrase. The P.O. Writer system displays a list of CATALOGUE ID'S. (L0126944). The customer then selects a catalogue by scrolling through the list and pressing SHIFT-F3. (L0126944). The selected catalog can then be searched for items beginning with a specified latter using the ITEM DESCRIPTION SEQUENCE – STARTING WITH. (L0126945.) The selected catalog could also be search by Item Number sequence, Item Description sequence, and Commodity Code sequence. (L0127525). The system will then display all the items in the selected catalog that meet the searched for criteria. (L0126946.) The J-CON system discloses "means for searching for matching items in the database," under ePlus's proposed construction of that phrase. The system enables a user to enter a partial manufacturer or part number. (L0123472.) The system searches for all part that match the partial information. (L0123473.) If more than one matching part is found, the system displays all the matching parts. (L0123473.)

thereof.];	
means for building a requisition using data relating to selected matching items and their associated source(s) [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) selecting one or more items from hit lists of catalog items matching search criteria that were returned from searching selected product catalogs; (2) transferring the selected matching item data to a requisition module; and (3) building a requisition using data from the selected matching items to populate certain fields on the requisition from; and structural equivalents thereof.];	The P.O. Writer system discloses "means for building a requisition using data relating to selected matching items and their associated source(s)," under ePlus's proposed construction of that phrase. The P.O. Writer system displays all the items in a selected catalog that meet the searched for criteria. (L0126946.) The user then types in the desired quantity next to the desired item and presses F7 to select the item. (L0126948.) The user may then select another catalog and repeat the process to items from a another catalog. (L0126948.) The system then displays a screen with all the selected items. (L0126949.) The J-CON system discloses a "means for building a requisition using data relating to selected matching items and their associated source(s)," under ePlus's proposed construction of that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606).
means for processing the requisition to generate one or more purchase orders for the selected matching items [a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and (2) generating one or more purchase orders based on the data included in the	The P.O. Writer system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's construction of that phrase. The P.O. Writer system enables a user to accept a requisition by pressing F4. (L0126950.) Requisitions including items purchased from different vendors are split into different purchase orders by vendor. (L0126976-80). The J-CON system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's proposed construction of that phrase. When building a ticket, items are identified as requiring a special order. (L0123608.) The system allows the user to accept (release) and ticket. (L0123495.) The system could be configured to process purchase orders automatically or manually. (L0123693-95.) The item could be ordered from a primary, secondary, or occasional vendors. (L0123693.)

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requisition relating to the matching items selected from the items returned from searching selected product catalogs and based on predetermined rules relating to user's preferences (*e.g.*, one purchase order to each distinct supplier referenced in the requisition); and structural equivalents thereof.]; and	
means for converting data related to a selected matching item and an associated source to data relating to an item and a different source [a computer which is programmed with special purpose software modules to execute an algorithm which includes the steps of: (1) maintaining a cross-reference table or file identifying cross-referenced items, identical items or generally equivalent items and one or more codes corresponding to cross-referenced items, identical items or generally equivalent items; (2) for a selected matching item, accessing the cross-reference table or file to identify an identical item or generally equivalent item cross-references to the selected matching item and associated with a different source; and (3) replacing the selected matching item and its	The P.O. Writer system discloses "means for converting data related to a selected matching item and an associated source to data relating to an item and a different source," under ePlus's construction of that phrase. By pressing F6 the system has the ability to automatically change the vendor of an item on a requisition. (L012976-80). The J-CON system located interchangeable part from different catalogs are associated with a "competitive part number" in the cross-referencing module InterChange. (L0123625).

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associated source with the identical item of generally equivalent item and its different source in a requisition; and structural equivalents thereof.].	
6. An electronic sourcing system comprising:	The Fisher RIMS system is an electronic sourcing system. U.S. Pat. No. 5,712,989 at Abstract & col. 1:15-24 (ePLUS0137677 & ePLUS0137691). The J-CON system is an electronic sourcing system. (L0123423).
a database containing data relating to items associated with at least two sources;	The Fisher RIMS system could electronically store data related to items from a Distributor, a customer, and multiple third party suppliers and distributors. U.S. Pat. No. 5,712,989 at Fig. 1, col. 3: 10-14, col. 3:18-28, cols. 3:65–4:1 & col. 4:21-26, Table VI (ePLUS0137679 & ePLUS0137692). The J-CON system includes a database of items from both primary and alternative manufacturers. (L0123613).
means for searching for matching items in the database [a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm with includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to item(s) to be searched; (2) communicating the search criteria to search engine module; (3) querying certain fields of the item data to locate item records in the selected product catalog matching the search criteria; and (4)	The P.O. Writer system discloses "means for searching for matching items among the selected product catalogs," under ePlus's proposed construction of that phrase. The P.O. Writer system displays a list of CATALOGUE ID'S. (L0126944). The customer then selects a catalogue by scrolling through the list and pressing SHIFT-F3. (L0126944). The selected catalog can then be searched for items beginning with a specified latter using the ITEM DESCRIPTION SEQUENCE – STARTING WITH. (L0126945.) The selected catalog could also be search by Item Number sequence, Item Description sequence, and Commodity Code sequence. (L0127525). The system will then display all the items in the selected catalog that meet the searched for criteria. (L0126946.) The J-CON system discloses "means for searching for matching items in the database," under ePlus's proposed construction of that phrase. The system enables a user to enter a partial manufacturer or part number. (L0123472.) The system searches for all part that match the partial information. (L0123473.) If more than one matching part is found, the system displays all the matching parts. (L0123473.)

outputting items matching the search criteria; and structural equivalents thereof.];	
means for building a requisition using data relating to selected matching items and their associated source(s) [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) selecting one or more items from hit lists of catalog items matching search criteria that were returned from searching selected product catalogs; (2) transferring the selected matching item data to a requisition module; and (3) building a requisition using data from the selected matching items to populate certain fields on the requisition from; and structural equivalents thereof.];	The P.O. Writer system discloses "means for building a requisition using data relating to selected matching items and their associated source(s)," under ePlus's proposed construction of that phrase. The P.O. Writer system displays all the items in a selected catalog that meet the searched for criteria. (L0126946.) The user then types in the desired quantity next to the desired item and presses F7 to select the item. (L0126948.) The user may then select another catalog and repeat the process to items from a another catalog. (L0126948.) The system then displays a screen with all the selected items. (L0126949.) The J-CON system discloses a "means for building a requisition using data relating to selected matching items and their associated source(s)." under ePlus's proposed construction of that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606).
means for processing the requisition to generate one or more purchase orders for the selected matching items [a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and	The P.O. Writer system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's construction of that phrase. The P.O. Writer system enables a user to accept a requisition by pressing F4. (L0126950.) Requisitions including items purchased from different vendors are split into different purchase orders by vendor. (L0126976-80). The J-CON system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's proposed construction of that phrase. When building a ticket, items are identified as requiring a special order. (L0123608.) The system allows the user to accept (release) and ticket. (L0123495.) The system

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(2) generating one or more purchase orders based on the data included in the requisition relating to the matching items selected from the items returned from searching selected product catalogs and based on predetermined rules relating to user's preferences (*e.g.*, one purchase order to each distinct supplier referenced in the requisition); and structural equivalents thereof.]; and	could be configured to process purchase orders automatically or manually. (L0123693-95.) The item could be ordered from a primary, secondary, or occasional vendors. (L0123693.)
means for converting data relating to a selected matching item and an associated source to data relating to an item and a different source [a computer which is programmed with special purpose software modules to execute an algorithm which includes the steps of: (1) maintaining a cross-reference table or file identifying cross-referenced items, identical items or generally equivalent items and one or more codes corresponding to cross-referenced items, identical items or generally equivalent items; (2) for a selected matching item, accessing the cross-reference table or file to identify an identical item or generally equivalent item cross-references to the selected matching item and	The P.O. Writer system discloses "means for converting data related to a selected matching item and an associated source to data relating to an item and a different source," under ePlus's construction of that phrase. By pressing F6 the system has the ability to automatically change the vendor of an item on a requisition. (L012976-80).

The J-CON system located interchangeable part from different catalogs are associated with a "competitive part number" in the cross-referencing module InterChange. (L0123625). |

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associated with a different source; and (3) replacing the selected matching item and its associated source with the identical item of generally equivalent item and its different source in a requisition; and structural equivalents thereof.].	
26. A method comprising the steps of:	
maintaining at least two products catalogs on a database containing data relating to items associated with the respective sources;	The P.O. Writer system had an electronic database for storing multiple catalogs. (L0127571, L0126552 & L0126661-62).
selecting the product catalogs to search;	The P.O. Writer system enabled a user to select a particular product catalog to search using the CATALOGUE ID. (L0126501 & L0126944-46).
searching for matching items among the selected product catalogs;	The P.O. Writer system enabled a user could search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525). The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472).
building a requisition using data relating to selected matching items and their associated sources;	The P.O. Writer system enabled items from the catalog screen to be selected for requisition by pressing F7. (L0126948). The J-CON system enabled a user to select items to add to a requisition (ticket). (L0123606).
processing the requisition to generate one or more purchase orders for the selected matching items; and	The P.O. Writer system enabled a purchase order to be created from the requisition list be pressing F4. (L0126950). Requisitions including items purchased from different vendors were split into different purchase orders by vendor. (L0126976). The J-CON system could be configured to process purchase orders manually or automatically. (L0123693-99).

determining whether a selected matching item is available in inventory.	The P.O. Writer included an inventory Control Module that enabled tracking of on-hand inventory balances. (L0126633).

The J-CON system enabled a user to determine whether and how many of a particular item was available in stock. (L0123608 & L0123612). |
28. A method comprising the steps of:	
maintaining at least two product catalogs on a database containing data relating to items associated with the respective sources;	The P.O. Writer system had an electronic database for storing multiple catalogs. (L0127571, L0126552 & L0126661-62).
selecting the product catalogs to search;	The P.O. Writer system enabled a user to select a particular product catalog to search using the CATALOGUE ID. (L0126501 & L0126944-46).
searching for matching items among the selected product catalogs;	The P.O. Writer system enabled a user could search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525).

The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472). |
| building a requisition using data relating to selected matching items and their associated source(s); | The P.O. Writer system enabled items from the catalog screen to be selected for requisition by pressing F7. (L0126948).

The J-CON system enabled a user to select items to add to a requisition (ticket). (L0123606). |
| processing the requisition to generate one or more purchase orders for the selected matching items; and | The P.O. Writer system enabled a purchase order to be created from the requisition list be pressing F4. (L0126950). Requisitions including items purchased from different vendors were split into different purchase orders by vendor. (L0126976).

The J-CON system could be configured to process purchase orders manually or automatically. (L0123693-99). |
| converting data relating to a selected matching item | During Purchase Order generation on the P.O. Writer system, the vendor listed on the requisition could be automatically |

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and an associated source to data relating to an item and a different source.	converted to different vendors. (L012976-80). The J-CON system located interchangeable part from different catalogs are associated with a "competitive part number" in the cross-referencing module InterChange. (L0123625).
29. The method of claim 28 further comprising the step of determining whether a selected matching item is available in inventory.	The P.O. Writer included an inventory Control Module that enabled tracking of on-hand inventory balances. (L0126633).

U.S. Patent No. 6,065,516	
Claims	The J-CON System as Described in the "J-CON Manual" in Combination with P.O. Writer Plus V-10 as Described in the P.O. Writer Plus Version 10 Manual
1. An electronic sourcing system comprising:	The P.O. Writer system is an electronic sourcing system. (L0126506). The J-CON system is an electronic sourcing system. (L0123423).
a collection of catalogs of items stored in an electronic format;	The P.O. Writer system had an electronic database for storing multiple catalogs. (L0127571, L0126552 & L0126661-62).
a first set of pre-determined criteria associated with said collection of catalogs;	The P.O. Writer system associated a collection of catalogs with CATALOGUE IDs. (L0127525).
a second set of pre-determined criteria associated with items from each of said catalogs;	The P.O. Writer system associated items with criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525 & L0127528). The J-CON system included mechanisms and screen displays for entering product information that was descriptive of items in the parts database. (L0123613).
a catalog selection protocol, said catalog selection protocol relying on said first set of pre-determined criteria to	The P.O. Writer system enabled a user to select a particular product catalog to search using the CATALOGUE ID. (L0126501 & L0126944-46).

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select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party that is one of a manufacturer and a competing vendor, said predetermined third party selling items corresponding to items in said vendor catalog; and	
a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol.	The P.O. Writer system enabled a user could search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525). The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472).
6. An electronic sourcing system as recited in claim 1, wherein said second set of predetermined criteria includes at least one of a catalog number and item textual information.	The P.O. Writer system enabled a user could search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525). The P.O. Writer system anticipates claim 6.
29. An electronic sourcing system comprising:	The P.O. Writer system is an electronic sourcing system. (L0126506). The J-CON system is an electronic sourcing system. (L0123423).
a collection of catalogs of items stored in an electronic format;	The P.O. Writer system had an electronic database for storing multiple catalogs. (L0127571, L0126552 & L0126661-62).

a first set of pre-determined criteria associated with said collection of catalogs;	The P.O. Writer system associated a collection of catalogs with CATALOGUE IDs. (L0127525).
a second set of predetermined criteria associated with items from each of said catalogs;	The P.O. Writer system associated items with criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525 & L0127528).

The J-CON system included mechanisms and screen displays for entering product information that was descriptive of items in the parts database. (L0123613). |
| a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party; | The P.O. Writer system enabled a user to select a particular product catalog to search using the CATALOGUE ID. (L0126501 & L0126944-46). |
| a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol; and | The P.O. Writer system enabled a user could search for matching items among selected product catalogs by entering search criteria, including item number, item description, and commodity code, that at least partially describes a desired item. (L0127525).

The J-CON system included a search program for matching items in a database in response to the descriptive information entered by the user. (L0123472). |
| a cross-reference table linking a vendor item catalog number from said vendor catalog with an item catalog number from | The J-CON system included a cross-reference module. (L0123450 & L0123601). |

said predetermined third party.	

U.S. Patent No. 6,505,172	
(Claims)	The J-CON System as Described in the "J-CON Manual" in Combination with P.O. Writer Plus V.10 as Described in the P.O. Writer Plus Version 10 Manual
1. An electronic sourcing system comprising:	The P.O. Writer system is an electronic sourcing system. (L0126506). The J-CON system is an electronic sourcing system. (L0123423).
a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately;	The P.O. Writer system had an electronic database for storing multiple catalogs. (L0127571, L0126552 & L0126661-62).
means for entering product information that at least partially describes at least one desired item [ePlus: a computer which is programmed with special-purpose software modules to execute an algorithm which includes the step pf receiving certain information, (e.g., catalog number, part number, partial text, etc.) to at least partially describe at least on desired item; and structural equivalents there of];	The P.O. Writer system discloses " means for entering product information that at least partially describes at least one desired item," under ePlus's proposed construction of that phrase. The user can search as selected catalog for items beginning with a specified latter using the ITEM DESCRIPTION SEQUENCE – STARTING WITH. (L0126945.) The selected catalog could also be search by Item Number sequence, Item Description sequence, and Commodity Code sequence. (L0127525). The J-CON system included mechanisms and screen displays for entering product information that was descriptive of items in the parts database. (L0123613).
means for searching for matching items that match the entered product information in the selected portions of the database	The P.O. Writer system discloses "means for searching for matching items that match the entered product information in the selected portions of the database," under ePlus's proposed construction of that phrase. The P.O. Writer system displays a list of CATALOGUE ID'S. (L0126944). The customer then

[a computer which is programmed with special-purpose software modules including a search engine module to execute an algorithm with includes the steps of: (1) receiving search criteria (*e.g.*, catalog number, part number, partial textual description) relating to item(s) to be searched; (2) communicating the search criteria to search engine module; (3) querying certain fields of the item data to locate item records in the selected product catalog matching the search criteria; and (4) outputting items matching the search criteria; and structural equivalents thereof.];	selects a catalogue by scrolling through the list and pressing SHIFT-F3. (L0126944). The selected catalog can then be searched for items beginning with a specified latter using the ITEM DESCRIPTION SEQUENCE – STARTING WITH. (L0126945.) The selected catalog could also be search by Item Number sequence, Item Description sequence, and Commodity Code sequence. (L0127525). The system will then display all the items in the selected catalog that meet the searched for criteria. (L0126946.) The J-CON system discloses "means for searching for matching items that match the entered product information in the selected portions of the database," under ePlus's proposed construction of that phrase. The system enables a user to enter a partial manufacturer or part number. (L0123472.) The system searches for all part that match the partial information. (L0123473.) If more than one matching part is found, the system displays all the matching parts. (L0123473.)
means for generating an order list that includes at least one matching item selected by said means for searching [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) displaying a hit list of results of a search corresponding to items matching the entered product information; (2) selecting one or more items form the hit list for inclusion in an order list; and (3) generating an order list containing data related to	The P.O. Writer system discloses " means for generating an order list that includes at least one matching item selected by said means for searching " under ePlus's proposed construction of that phrase. The P.O. Writer system displays all the items in a selected catalog that meet the searched for criteria. (L0126946.) The user then types in the desired quantity next to the desired item and presses F7 to select the item. (L0126948.) The user may then select another catalog and repeat the process to items from a another catalog. (L0126948.) The system then displays a screen with all the selected items. (L0126949.) The J-CON system discloses a " means for generating an order list that includes at least one matching item selected by said means for searching" under ePlus's proposed construction of that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606).

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the selected matching items; and structural equivalents thereof."];	
means for building a requisition that uses data obtained from said database relating to selected matching items on said order list [a computer which is programmed with special-purpose software modules to execute an algorithm which includes the steps of: (1) transferring data relating to selected matching itemds included on an order list to a requisition programs; and (2) building a requisition using data from the selected matching items on the order list to populate certain fields on the requisition form; and structural equivalents thereof.];	The P.O. Writer system discloses " means for generating an order list that includes at least one matching item selected by said means for searching " under ePlus's proposed construction of that phrase. The P.O. Writer system displays all the items in a selected catalog that meet the searched for criteria. (L0126946.) The user then types in the desired quantity next to the desired item and presses F7 to select the item. (L0126948.) The user may then select another catalog and repeat the process to items from a another catalog. (L0126948.) The system then displays a screen with all the selected items. (L0126949.) The J-CON system discloses a "means for building a requisition that uses data obtained from said database relating to selected matching items on said order list" under ePlus's proposed construction of that phrase. The system displays parts matching a search criteria. (L0123473.) The user may select a part and add the part number to a requisition (ticket). (L0123606). The user may add other parts or display all the parts chose up to that point. (L0123606).
means for processing said requisition to generate purchase orders for said selected matching items [a computer which is programmed with special-purpose software modules including a purchasing module to execute an algorithm which includes the steps of: (1) accepting the requisition; and (2) generating one or more purchase orders based on the data included in the requisition relating to the	The P.O. Writer system discloses "means for processing the requisition to generate one or more purchase orders for the selected matching items," under ePlus's construction of that phrase. The P.O. Writer system enables a user to accept a requisition by pressing F4. (L0126950.) Requisitions including items purchased from different vendors are split into different purchase orders by vendor. (L0126976-80). The J-CON system discloses "means for processing said requisition to generate purchase orders for said selected matching items," under ePlus's proposed construction of that phrase. When building a ticket, items are identified as requiring a special order. (L0123608.) The system allows the user to accept (release) and ticket. (L0123495.) The system could be configured to process purchase orders automatically or manually. (L0123693-95.) The item could be ordered from a primary, secondary, or occasional vendors. (L0123693.)

matching items selected from the items returned from searching selected product catalogs and based on predetermined rules relating to user's preferences (*e.g.*, one purchase order to each distinct supplier referenced in the requisition); and structural equivalents thereof.].	

II. Invalidity under 35 U.S.C. § 101 as Direct to Non-Statutory Subject Matter

Lawson contends that claims 26 and 28 of the '683 patent and claims 1, 2, 6, 9, and 21 of the '516 patent are invalid under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, those claims are directed to methods that neither are tied to a particular machine nor transform a particular article. In re Bilski, 545 F.3d 943, 954 (Fed. Cir. 2008).

The following claim chart shows on an element-by-element, claim-by-claim basis how the claims are directed to non-statutory subject matter.

U.S. Patent No. 6,023,683	
Claims	35 U.S.C. § 101
26. A method comprising the steps of:	Claim 26 is directed to a process without any meaningful limitations directed to a particular machine or transformation of a particular article.
maintaining at least two products catalogs on a database containing data relating to items associated with the respective sources;	This limitation does not impose any meaningful machine limitations as "database" and "catalogs" are not necessarily an electronic compilation of data and, in any event, storage of an electronic compilation of data on a computer would be insignificant extra-solution activity.
selecting the product catalogs to search;	This limitation does not impose any meaningful machine limitations as the specification does not disclose any physical structure corresponding to this limitation.
searching for matching	This limitation does not impose any meaningful machine